

REMARKS

The only issues outstanding in the Office Action mailed September 23, 2003, are the rejections under 35 U.S.C §102 and 103, and the double-patenting rejection. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

Rejections Under 35 U.S.C §102

Claims 13-15 have been rejected under 35 U.S.C §102(b) over Yoerger '994. This rejection is now moot, and withdrawal thereof is respectfully requested.

Claims 1-3, 13 and 14 have been rejected under 35 U.S.C §102(b) over Inagaki. Inagaki does not disclose PVDF homopolymers or VF₂/HFP copolymers. Thus, this rejection should also be withdrawn.

Rejections Under 35 U.S.C §103

Claims 1-14 have been rejected under 35 U.S.C §103 over WO'260 taken with Takahashi, et al. '958 and Mizuide, et al. '471. Reconsideration of this rejection is respectfully requested.

It is respectfully submitted that this rejection constitutes impermissible hindsight. As admitted in the Office Action at page 5, Takahashi, et al. do not teach that the binder composition is formed by partial dehydrofluorination followed by oxidation. Although, the Office Action then speculates that such treatment produces carboxyl group-containing fluorine-based copolymers, and then further speculates that the polymer of Takahashi and that claimed would be identical, absolutely no scientific basis for these assumptions is given. More than mere speculation that the carboxyl group-containing polymer of Takahashi is equivalent to that presently claimed is need to support such a rejection. Moreover, on information and belief, it is respectfully submitted that a material not treated as disclosed in the present specification would not possess adhesion characteristics. Indeed, comparison of Example 4 in the present specification with the modified material of Example 2 (such a comparison is contained in Example 10 in the specification) clearly shows that the modification treatment is necessary to produce adhesion characteristics. Thus, it is respectfully submitted that, on the one hand, the

specification clearly shows that the material is not the same as that in Takahashi. Moreover, on the other hand, the specification also demonstrates that there is no motivation to employ the presently claimed treatment, as in the present claims to produce the material of the binder. Accordingly, it is submitted that the combination of references fails to suggest the present claims under 35 U.S.C §103, and withdrawal of the rejection is respectfully requested.

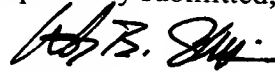
Double Patenting Rejection

Finally, with respect to the obviousness-type double patenting rejection, inasmuch as the rejection is a *provisional rejection*, it is submitted that any action at this point would be premature, without allowance of either the cited references or the present application. At such time this allowable subject matter is indicated in one of the involved applications, appropriate action will be taken.

The claims of the application are submitted to be in condition for allowance. However, if the Examiner has any questions or comments, he or she is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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